

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY

2:00 P.M.

JUNE 10, 2003

PRESENT:

David Humke, Chairman
Jim Shaw, Vice Chairman
Jim Galloway, Commissioner*
Pete Sferrazza, Commissioner
Bonnie Weber, Commissioner

Amy Harvey, County Clerk
Nancy Parent, Chief Deputy Clerk
Katy Singlaub, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East Ninth Street, Reno, Nevada. Following the Pledge of Allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

03-628 WORK CARD PERMIT APPEAL - FILIMONE TUAVAO

The appeal by Filimone Tuavao of the Sheriff's denial of his work card permit application was considered on Monday, June 9, 2003 prior to the Caucus meeting.

On motion by Commissioner Weber, seconded by Commissioner Shaw, which motion duly carried, the Board convened in closed session to hear testimony as to why the work card should or should not be granted.

The appellant Filimone Tuavao was present, along with his daughter, Lavinia Tuavao, to offer testimony during the closed session.

Also present were Maureen Thomas, Chief Records Clerk, Washoe County Sheriff's Office, and Alice LeDesma, Washoe County Social Services, Child Care Licensing Division.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, the Board reconvened in open session and the following action was taken:

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried by a vote of 3 to 2 with Commissioners Galloway and Humke voting "no," the Board ordered that the work card permit be granted to Filimone Tuavao upon the following conditions: (1) that upon any future report of domestic violence, the

matter shall be brought back to the Board for consideration of a possible revocation; (2) that the appellant not go into the home while child care is taking place except for a medical emergency regarding his own children; and (3) that there be no child care in the home on Sundays.

03-629 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried with Commissioner Galloway temporarily absent, Chairman Humke ordered that the agenda for the June 10, 2003 meeting be approved with the following amendments: **Delete** Item 6E(1) Award of Bid No. 2375-03, Outsourcing of the Personal Property Commercial Tax Billing; Items 7A through 7F, Joint Meeting with the Sparks City Council; and Item 16 concerning County Commission caucus and regular meeting dates. It was noted that the base bid amount in Item 9A, Award of Bid for the Street Cut Pavement Repair Project, should be \$101,250.

03-630 PUBLIC COMMENTS

Approximately 70 persons addressed the Board to speak in support of the staging area for the Burning Man annual event and to request a reconsideration of the Board's action on May 13, 2003 denying four special use permits for the staging area.

* **2:25 p.m.** Commissioner Galloway arrived at the meeting during this item.

* **3:00 p.m.** Chairman Humke temporarily left the meeting during this item and Vice Chairman Shaw assumed the gavel.

After about one hour of public comment, Commissioner Sferrazza stated he would be willing to make a request under Item No. 5, Commissioners' and Manager's Comments, that the Board suspend the rules and reconsider their action concerning the staging area special use permits. If there was no support from the Board to entertain that action, the matter would be finished. Vice Chairman Shaw stated he is not prepared to reconsider his vote but would be willing to go to the site. He noted he has been there before and did not like what he saw. Public comments then continued.

* **3:30 p.m.** Chairman Humke returned to the meeting.

Susan Sidle, area resident, advised she has never been to a Burning Man event but has discussed the matter with friends that do attend the event. She offered a suggestion that might solve the problem for everyone. Ms. Sidle stated that the Comprehensive Plan for the High Desert, which is where the staging area is located, is very unique from other Comprehensive Plans in Washoe County. She stated the High Desert Plan contains industrial zoning for what is called site specific. A great deal of land exists from Gerlach to the border, and there is no industrial zoning. She said the solution would be to have Black Rock City LLC submit an application to change their

zoning to a site-specific industrial zoning where they would be allowed some of the uses they are requesting.

Donna Potter, Empire resident, advised she represents 90 percent of the people that actually live and work in the Hualapai Valley, and they are opposed to the staging area. She provided photographs on the overhead showing debris located on the subject site and stated the illegal use of the property was not respectful or neighborly. She stated water rights, sewer systems, adequate streets, and other infrastructures have not been provided. Ms. Potter commented they are not opposed to the event but believe the staging area should be moved to Gerlach where the infrastructure exists for this type of use.

MANAGER'S/COMMISSIONERS' COMMENTS

Commissioner Sferrazza requested an item be placed on the June 24, 2003 agenda to allow for the suspension of the rules and a possible motion for reconsideration concerning the Burning Man staging area special use permits. He expressed concern about discussion today that indicated there has been an unequal enforcement of the law and requested that staff check to make sure all the neighbors are being treated equally. He stated he does not believe conditions should be placed on this project that are different or discriminatory in relation to other projects in the area.

Commissioner Galloway stated he would be willing to look at the site. He noted the agenda does not provide the Commissioners with the ability to respond to any misinformation presented under public comments and requested that legal staff look into that matter. He then requested a staff report be presented concerning what Washoe County can and cannot do about the proliferation of unauthorized placards, banners, and rolling signs that are not allowed in the unincorporated areas. He also requested a status report on the flood control project.

MINUTES

On motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the minutes of the regular meeting of January 28, 2003 be approved.

03-631 REJECTION OF BIDS – 2003/04 STREET CUT PAVEMENT REPAIR PROJECT - INCLINE VILLAGE AREA – PWP-WA-2003-104 – PUBLIC WORKS

Upon recommendation of Greg Belancio, Engineering Division, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that all bids for the 2003/04 Street Cut Pavement Repair Project, Incline Village, (PWP-WA-2003-104) be rejected and the project be rebid. It was noted, after the bids were opened, it was determined the square footage for the project would be lowered by more than 50 percent

because the Incline Village General Improvement District cancelled their planned projects, and Southwest Gas reduced their projects at Incline Village.

**03-632 GRANT OF EASEMENT – TRUCKEE MEADOWS WATER
AUTHORITY – PUBLIC WORKS**

Upon recommendation of Roger Van Alyne, Capital Projects Director, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Grant of Easement for Water Meter to the Truckee Meadows Water Authority (TMWA), necessary for the installation of water meter facilities at the Jan Evans Juvenile Justice Center (APN 035-014-01), be approved and Chairman Humke be authorized to execute the same.

**03-633 HEALTH CARE ASSISTANCE PROGRAM AMENDMENT –
GUIDELINES AND STANDARDS AND CERTIFICATION BY
PROGRAM SPONSOR – SOCIAL SERVICES**

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following actions be taken:

1. The Health Care Assistance Program Amendment to Allow Washoe County to Obtain Protected Health Information (PHI) from the Program be approved and Chairman Humke be authorized to execute the same.
2. The Certification by Program Sponsor to Health Care Assistance Program be approved and Chairman Humke be authorized to execute the same.
3. The Adult Services Division be authorized to adopt policies and procedures, including any necessary forms, for the Health Care Assistance Program to satisfy the privacy rules mandated by the Health Insurance Portability and Accountability Act of 1996 (HIPAA).
4. The Adult Services Division be authorized to approve and execute Business Associate Agreements to ensure that all health program service providers take steps to avoid inappropriate uses and disclosures of protected health information.

**03-634 AWARD OF BID – COMPACT UTILITY TRACTOR - BID NO.
2391-03 – EQUIPMENT SERVICES DIVISION**

This was the time to consider the award of bid for a compact utility tractor for the Equipment Services Division. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 2, 2003. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Nevada Power Products, Inc.
Cashman Equipment Company, Inc.

Nortrax-West submitted a "no-bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that Bid No. 2391-03 for a compact utility tractor for the Equipment Services Division of the Public Works Department be awarded to Nevada Power Products, Inc. in the net amount of \$31,503.00. It was noted the purchase price covers the tractor, a John Deere 4510 4WD, in the amount of \$23,266 and the Aera-Vator, model AE-80 aerator with seeder roller and rake attachment, in the amount of \$8,237; and the Gearmore rotary mower that was specified was not recommended for purchase at this time.

03-635 RESOLUTION - GRANT AGREEMENT RENEWAL – RESTART, INC. – PAYEE REPRESENTATIVE PROGRAM – SOCIAL SERVICES

Upon recommendation of Mike Capello, Director of Social Services, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that renewal of the Grant Agreement between Washoe County and ReStart, Inc., concerning the Payee Representative Program to assist the homeless and chronic mentally and/or physically ill population of Washoe County in using available income for shelter, medications and food in the amount of \$50,000 for the period July 1, 2003 through June 30, 2004, be approved and Chairman Humke be authorized to execute the same. It was further ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same.

RESOLUTION

1. **WHEREAS**, Washoe County has the legal responsibility pursuant to NRS 428 to provide health care and general assistance to indigent persons who reside in the County;
2. **WHEREAS**, the Board of County Commissioners has the authority under NRS 244.1505 to expend money for grants to private, nonprofit organizations for selected purposes that will provide a substantial benefit to the inhabitants of Washoe County;
3. **WHEREAS**, ReStart, Inc. is a non-profit charitable organization within the meaning of NRS 372.3261; and

4. **WHEREAS**, ReStart, Inc. provides a program to provide representative payee services to the chronic mentally and/or physically ill population in order to ensure that these individuals use any available income for shelter, food, medical/psychiatric and social service needs;

5. **WHEREAS**, the need for food, shelter, housing and social services to the needy in Washoe County far exceed what State and local governments can provide and this need will continue to grow as the County's population grows;

NOW THEREFORE, BE IT RESOLVED THAT the Board of County Commissioners of Washoe County, Nevada approves this resolution and enters into a grant agreement in the amount of FIFTY THOUSAND DOLLARS (\$50,000) for fiscal year 2003/2004 with ReStart, Inc. to carry out its mission.

03-636 ACCEPTANCE OF COMMUNITY DEVELOPMENT BLOCK GRANT - HOUSING REHABILITATION PROGRAM

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Community Development Block Grant (CDBG) funds from the State of Nevada for the Washoe County Housing Rehabilitation Program, in the amount of \$199,796 (with no County match), be accepted and Chairman Humke be authorized to execute the Notice of Grant Award and the CDBG Certification Letter. It was further ordered that the Comptroller be directed to make the following account changes:

Increase Revenue Account	10144G-4301	\$199,796
Increase Expenditure Account	10144G-7119	\$199,796

03-637 FY 2003/04 GRANT PROGRAM CONTRACT – RESOLUTION - COMMUNITY SERVICES AGENCY – HOME REHABILITATION PROGRAM

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Fiscal Year 2003/04 Grant Program Contract between Washoe County and the Community Services Agency, concerning the Home Rehabilitation Program grant from the State of Nevada in the amount of \$199,796, be approved and Chairman Humke be authorized to execute the same. It was further ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the same:

RESOLUTION - Authorizing the grant of money to a nonprofit organization created for religious, charitable or educational purposes

WHEREAS, NRS 244.1505 provides that a Board of County Commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a board may make a grant of money to a nonprofit organization created for religious, charitable or educational purposes to be expended for a selected purpose; and

WHEREAS, the Board of Commissioners of Washoe County has determined that \$189,796 in funding is needed to address housing rehabilitation:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

1. The Board hereby grants to Community Services Agency, a private nonprofit organization, a grant for fiscal year 2003/2004 in the amount of \$189,796 (CDBG).
2. The purpose of the grant, the maximum amount to be expended from the grant and the conditions and limitations upon the grant are set forth in the Grant Program Contract, which Contract [placed on file with the Clerk] is incorporated herein by reference.

**03-638 COMMUNITY DEVELOPMENT BLOCK GRANT – GERLACH
GID URANIUM WATER TREATMENT FACILITY**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that \$113,857 in grant monies from the State of Nevada, Community Development Block Grant (CDBG) for the Gerlach GID Uranium Treatment Facility be accepted and Chairman Humke be authorized to execute the grant documents. It was noted that the grant monies are for engineering and construction of the ion exchange treatment facility for uranium removal from Gerlach’s water supply. It was further ordered that the assignment of the following accounts and funds to the Manager’s Office Community Support budget for the term of the grant, July 1, 2003 through December 30, 2004, be authorized:

Account Number	Account Description	Increase Budget
Revenue:		
10146G/4301	Federal Contribution	\$113,857
Expenditure:		
10146G/7119	Contractor Payments	\$113,857

**03-639 2003/04 LOW INCOME HOUSING TRUST FUNDS –
AGREEMENT - NEVADA HOUSING DIVISION**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the 2004 Low Income Housing Trust Funds, Welfare Set-Aside, from the Nevada Housing Division totaling \$88,390 for Fiscal Year 2003/04 be accepted. It was further ordered that the Agreement to Use Account for Low-Income Housing Welfare Set-Aside Funds by Washoe County between Washoe County and the State of Nevada Housing Division of the Department of Business and Industry be approved and Chairman Humke be authorized to execute the same.

**03-640 COMMUNITY DEVELOPMENT BLOCK GRANT - RENO AREA
ALLIANCE FOR THE HOMELESS**

Upon recommendation of Gabrielle Enfield, Grants Administrator, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the State of Nevada Community Development Block Grant (CDBG) award in the amount of \$25,000 (with no County match) for the Reno Area Alliance for the Homeless (RAAH), Homeless Services Center design project, be accepted and Chairman Humke be authorized to execute the grant document. It was further ordered the assignment of the following accounts and funds to the Manager’s Office Community Support budget for the term of the grant, July 1, 2003 through June 30, 2004 be authorized:

Account Number	Account Description	Increase Budget
Revenue:		
10145G-4301	Federal Contribution	\$25,000
Expenditure:		
10145G-7119	Contractor Payments	\$25,000

**03-641 AMENDMENT TO COOPERATIVE AGREEMENT – STATE
DEPARTMENT OF TAXATION – WASHOE COUNTY’S PUBLIC
TRANSIT AND ROAD TAX ORDINANCE - FINANCE**

Upon recommendation of Darin Conforti, Senior Fiscal Analyst, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Amendment to Cooperative Agreement between Washoe County and the Department of Taxation, State of Nevada, concerning administration and enforcement of all provisions of Washoe County’s Public Transit and Road Tax Ordinance, pertaining to the collection of all taxes provided in that Ordinance, be approved and Chairman Humke be authorized to execute the same. It was noted that all revenue collected per this agreement is remitted to the Regional Transportation Commission.

03-642 AGREEMENT – RENO/SPARKS/WASHOE COUNTY SKYFIRE, INC. – PARKS

Upon recommendation of Gregg Finkler, Parks Operations Superintendent, through Karen Mullen, Parks Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Agreement between Washoe County and Reno/Sparks/Washoe County Skyfire, Inc., concerning a July 4, 2003 celebration to be held at Rancho San Rafael Regional Park and including a facility use fee waiver of \$2,000, be approved and Chairman Humke be authorized to execute the same.

03-643 AGREEMENT - RENO-SPARKS CONVENTION AND VISITORS AUTHORITY – ESPN GAMES - PARKS

Upon recommendation of Doug Doolittle, Assistant Director, through Karen Mullen, Parks and Recreation Director, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the Agreement between Washoe County and the Reno-Sparks Convention and Visitors Authority (RSCVA), concerning ESPN Productions holding the ESPN Great Outdoor Games at Rancho San Rafael Regional Park July 10-13, 2003, be approved and Chairman Humke be authorized to execute the same.

03-644 CORRECTION OF FACTUAL ERRORS – ASSESSOR

Upon recommendation of Thomas Sokol, Personal Property Supervisor, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Roll Change Requests correcting factual errors on tax bills and the Order directing the County Treasurer to correct the errors, be approved and Chairman Humke be authorized to execute the same.

PROPERTY OWNER	ID #	AMOUNT	ROLL
Pro Media Blasting	2/105-788	[-\$185.29]	2001 Unsecured
Silver Wing Holidays Inc.	2/107-056	[-\$17.04]	2001 Unsecured
Home Office Solutions	2/111-242	[-\$27.28]	2001 Unsecured
Evaporative Control Systems Inc.	2/201-754	[-\$2,830.10]	2001 Unsecured
C E S Machine Products	2/559-002	[-\$3,266.30]	2001 Unsecured
American Spray	2/101-568	[-\$22.00]	2002 Unsecured
I C R C Inc.	2/104-686	[-\$305.64]	2002 Unsecured
Winyon Consulting	2/105-219	[-\$153.47]	2002 Unsecured
Silver Wing Holidays Inc.	2/107-056	[-\$19.12]	2002 Unsecured
Inter Tel Inc.	2/109-417	[-\$3,579.90]	2002 Unsecured
Mosler Inc.	2/114-244	[-\$215.54]	2002 Unsecured
Round Table Pizza	2/117-443	[-\$133.74]	2002 Unsecured
Reno Pacific Surgery Center	2/160-857	[-\$202.81]	2002 Unsecured
Presentation Dynamics	2/181-102	[-\$44.87]	2002 Unsecured
Provident Lease Receivables Corp.	2/191-863	[-\$250.18]	2002 Unsecured

Albertson's Store #175	2/200-001	[-\$124.80]	2002 Unsecured
Albertson's Store #149	2/200-003	[-\$115.09]	2002 Unsecured
Albertson's Store #170	2/200-023	[-\$83.20]	2002 Unsecured
Albertson's Store #173	2/200-049	[-\$82.16]	2002 Unsecured
Albertson's Store #172	2/200-070	[-\$67.41]	2002 Unsecured
Albertson's Store #185	2/201-458	[-\$61.52]	2002 Unsecured
Evaporative Control Systems Inc.	2/201-754	[-\$2,436.48]	2002 Unsecured
Illustration Station	2/202-314	[-\$22.91]	2002 Unsecured
Barnes Distribution Inc.	2/300-420	[-\$715.88]	2002 Unsecured
Kalu Glass Company	2/460-238	[-\$53.73]	2002 Unsecured
Williams Telecommunications	2/539-007	[-\$61.07]	2002 Unsecured
C E S Machine Products	2/559-002	[-\$2,806.10]	2002 Unsecured

**03-645 INTERLOCAL AGREEMENT – SOUTH TRUCKEE MEADOWS
GENERAL IMPROVEMENT DISTRICT – REDFIELD CAMPUS -
WATER RESOURCES**

Steve Bradhurst, Director, Department of Water Resources, provided maps and additional information in response to discussion held at yesterday's Caucus meeting. He advised he contacted Bob Firth, Chairman, Groundwater Task Force, and tried to contact Terri Shannon, Task Force member, but was not successful. He said Mr. Firth advised that the Task Force would be reporting to the Regional Water Planning Commission in about three weeks to make recommendations concerning impacts on domestic wells caused by municipal well owners, municipal purveyors, and public water purveyors, as well as a number of other issues; and the recommendation would then come to the Board of County Commissioners. He stated that Mr. Firth also indicated the water rights associated with the Redfield Campus are included in the South Truckee Meadows Facility Plan. Mr. Bradhurst reviewed the map showing the location of the South Truckee Meadows General Improvement District (STMGID) and the Redfield Campus and advised that this Interlocal Agreement would allow the water to move to the Redfield Campus from the County wells noted on the map.

Commissioner Galloway stated there have been no commitments made that people pumping water would not impact individual domestic wells and he would not want it implied that there was any commitment. He said he believes the Groundwater Task Force was set up to see if impacts could possibly be minimized. He suggested a study could be conducted concerning the impacts and attempting to minimize those impacts while still allowing other property owners to use their water rights.

Mr. Bradhurst stated a draw down could be expected and a lot of impacts are experienced from adjacent domestic well owners. He advised the County accepted the water rights and facilities that would provide water to the Redfield Campus. The South Truckee Meadows Facility essentially cut back on the amount of water that would be pulled out of the ground over time in order to protect the groundwater resource.

On motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Interlocal Agreement between Washoe County and the South Truckee Meadows General Improvement District (STMGID) for the supply of water for the Nell J. Redfield Trust property known as the Redfield Campus be approved and Chairman Humke be authorized to execute the same.

**03-646 RENTAL AGREEMENT – HIDDEN VALLEY REGIONAL PARK
RESIDENT CARETAKER – PARKS**

County Manager Katy Singlaub advised discussion was held on this item at yesterday's Caucus, and the Parks Department is proposing a change to what was presented on the agenda.

Karen Mullen, Director, Parks and Recreation, advised that staff followed up on the information presented at yesterday's caucus meeting and has notified the Hidden Valley park resident caretakers to remove the mobile home and trailer and reduce to two vehicles as specified in the contract. Staff has also requested some other clean up around the area and has scheduled the matter on the Citizen Advisory Board agenda for June 18. Ms. Mullen stated staff is recommending a three-month rental agreement that would be the same as the previous agreement.

Commissioner Sferrazza said he had a problem with giving one particular couple this opportunity and would like it advertised. Ms. Mullen advised that could be done and said it has been advertised in the past.

Commissioner Galloway stated, if staff believes there has been no harm done and given the enforcement action taken on the present lease, he would suggest extending the agreement for three months and then on a month-to-month basis with a 30-day termination notice.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried with Commissioner Sferrazza voting "no," it was ordered that the Resident Caretaker Rental Agreement for Hidden Valley Regional Park between Washoe County and Richard D. and Yvonne E. McCollum be renewed for a three month period and then month-to-month with a 30 day termination notice and Chairman Humke be authorized to execute the same.

**03-647 INTERVIEW/APPOINTMENT - WASHOE COUNTY AIRPORT
AUTHORITY**

This was the time for the Board to interview the finalists selected for possible appointment to the Washoe County Airport Authority. The candidates were Mary-Ann K. Brown, Adam Garcia, Michael J. Houghton, Laurence E. Martin, Bert Ramos and Craig L. Wesner. The candidates waited outside the meeting chambers until it was their turn to be interviewed. Chairman Humke invited each candidate to make an opening remark and describe his or her background and qualifications for the position.

Commissioners Galloway, Sferrazza and Weber then asked each candidate a specific question. Following the round of questions, each candidate was given another minute for closing remarks.

Garth Elliott, Sun Valley resident, stated he does not understand why Sam Dehne was not one of the finalists.

Sam Dehne, Reno resident, listed several reasons why he believes he should have been chosen as the appointee to the Washoe County Airport Authority.

Gary Schmidt, Washoe County resident, spoke in support of Mr. Dehne. He also stated he believes there is a lack of dialog between the County Commissioners and their Airport Authority appointees and suggested the Board should receive a monthly report on activities from one of their appointees.

Chairman Humke disclosed that he and Mr. Martin belonged to a service club together, that he has known Mr. Ramos primarily through political meetings, and that Mr. Wesner serves on one of the Citizen Advisory Boards in his District. Commissioner Sferrazza disclosed that he previously worked with Mr. Houghton at the Reno-Sparks Convention and Visitors Authority (RSCVA). Commissioner Shaw disclosed that he has known Mr. Martin for many years, that he is acquainted with Ms. Brown through Children's Cabinet, and that he has also worked with Mr. Houghton at the RSCVA. Commissioner Galloway disclosed that he knows Mr. Ramos and Mr. Martin through organizational, political contacts. Commissioner Weber disclosed that she knows Mr. Ramos and Mr. Martin through political organizations and that she has had no contact with any of the applicants.

Commissioner Weber asked that future consideration be given to having an appointee from the North Valleys because of the Stead airport.

Chairman Humke stated the procedure chosen by the Board to select the appointee is to have each Commissioner state one name as their choice. If one of the candidates is named three times, that candidate will be the appointee; and the Chairman will keep going around, one Commissioner at a time, until one candidate does have three nominations.

Commissioner Galloway stated he was having a difficult time choosing between Mr. Martin and Mr. Wesner. Chairman Humke said he and Commissioner Shaw interviewed 36 original applicants and it was a very difficult task to narrow the list down to six. Commissioner Sferrazza stated all the candidates are excellent and his choice would be between Mr. Houghton and Mr. Martin. Commissioner Weber thanked all the applicants for their interest in serving.

Commissioner Shaw nominated Mr. Wesner. Commissioner Galloway stated he would make Mr. Wesner his first choice. Commissioner Sferrazza nominated

Mr. Martin. Commissioner Weber nominated Mr. Martin. Chairman Humke nominated Mr. Martin.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Laurence E. (Larry) Martin be appointed to the Washoe County Airport Authority with the term expiring June 30, 2007.

Mr. Martin thanked the Board and stated it is a great honor to serve. He further stated that, as suggested by Mr. Schmidt, he would be happy to appear before the Board monthly, quarterly, or whatever the Board desires, to report on airport activities. Chairman Humke and the other Board members expressed their appreciation to all of the applicants for their interest and willingness to serve.

03-648 APPEAL CASE NO. AX03-008 - JOHN AND CAROLE FETT -
VARIANCE CASE NO. VA03-012 - COMMUNITY
DEVELOPMENT

5:30 p.m. This was the time set in a Notice of Public Hearing mailed to affected property owners on May 30, 2003 to consider an appeal to amend the Conditions of Approval for the Washoe County Board of Adjustment's action approving the request to reduce the front yard setback from 15' to 0'-6," the side yard setback from 8' to 0'3" and to permit a two-story garage in the front yard setback to facilitate the construction of a garage with a habitable space above garage and an elevator tower as authorized in Article 406 of the Washoe County Development Code. The project is located at 485 Gonowabie Road approximately 1350 feet from the westernmost intersection of State Route 28 and Gonowabie Road. The ±0.174-acre parcel is designated Medium Density Suburban (MDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1 (APN: 123-133-20).

Chairman Humke opened the public hearing by calling on anyone wishing to speak concerning this matter.

Eva Krause, Planner, displayed a drawing on the overhead depicting the subject property and the proposed construction. She explained that the Board of Adjustment approved the request to reduce the front yard setback, but not the 3-inch side yard setback; and the applicant is appealing Condition No. 12, which requires that he negotiate with the United States Forest Service (USFS) regarding construction of a retaining wall along the side yard property line that adjoins USFS property. The condition further states that if the applicant and the USFS cannot reach an agreement, the variance would be considered denied. Ms. Krause advised the USFS stated they are not interested in having any improvements made to their land, are not interested in negotiating with the applicant, and are not interested in modifying their previous comments objecting to the variance request. She stated staff does not feel the 3-inch side

yard setback is appropriate because there would be no way to build anything without trespassing on the adjoining property. Ms. Krause then responded to questions from the Board members.

Elise Fett, applicant, displayed another map of the property and distributed photographs to the Board members. She stated the site is difficult to work with because of the steepness of the lot and their plans are to get the garage as far away from the house as possible so that the excavation will not undermine the foundation of the home. Commissioner Galloway asked why a 2-foot setback would not work. Ms. Fett explained that, because the soil is so unstable in that area, they were planning to build a retaining wall on that side for the Forest Service in order to control the erosion. Commissioner Galloway asked if an 18-inch setback would work. Ms. Fett stated they could work with 18 inches. Commissioner Galloway further stated that should also solve the trespass issue, but he stressed the Board was not authorizing the applicant to trespass on adjoining property.

Commissioner Sferrazza asked several questions about the location of the house, the foundation, the size and location of the garage, to which Ms. Fett responded in detail.

Commissioner Galloway asked whether the Board could modify Condition No. 12 to state, if the applicant cannot get Forest Service approval, they be granted approval for an 18-inch side yard setback, and whether it would have to go back to the Board of Adjustment if they changed the requested 3-inch side yard setback to an 18-inch setback. Legal Counsel Madelyn Shipman opined that the Board can make changes as long as they feel the change is less impactful and would still fit within the noticing requirements that were sent out.

Gary Schmidt, Washoe County resident, stated the applicant could build beside the Forest Service property without trespassing by prefabricating the wall and then setting it up from the inside.

There being no one else wishing to speak, Chairman Humke closed the public hearing.

Commissioner Galloway moved, and Commissioner Shaw seconded, that the appeal of Condition No. 12 of the Board of Adjustment's approval for Variance Case No. VA03-012 be upheld and Condition No. 12 be amended by adding the following: In the absence of United States Forest Service agreement, the applicant is authorized to have an 18-inch side yard setback; and that this action in no way constitutes encouragement by the Washoe County Commission that the applicant can trespass on federal property. Commissioners Galloway and Shaw stated the motion was based on their being able to make the required findings outlined in the staff report.

Commissioner Sferrazza stated he could not support the motion because he believes there is adequate space to build within the proposed garage framework.

Chairman Humke called for the vote. The motion carried on a 4 to 1 vote with Commissioner Sferrazza voting "no," and it was ordered that the appeal be upheld and Variance Case No. VA03-012 be approved as modified by the Board based on the Board members having made the following findings and subject to the following amended conditions:

FINDINGS

1. Special Circumstances. Because of the special circumstances applicable to the property, including exceptional narrowness, shallowness or shape of the specific piece of property, and/or exceptional topographic conditions and/or extraordinary and exceptional situation or condition of the property and/or location of surroundings, the strict application of the regulation results in exceptional and undue hardships upon the owner of the property.
2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural, scenic or environmental resources, or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted.
3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated.
4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.
5. Reasoned Consideration. That the Board of Adjustment did not give reasoned consideration to the information contained within the staff report and information received during the meeting.

CONDITIONS FOR VARIANCE CASE NO. VA03-012 JOHN AND CAROLYN FETT
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(As approved by the Washoe County Board of Commissioners on June 10, 2003)

GENERAL CONDITIONS

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC

CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT PRIOR TO THE ANNUAL RENEWAL OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.

ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.

FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY, "MAY" IS PERMISSIVE AND "SHALL" OR "MUST" IS MANDATORY.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD IT DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

SPECIFIC CONDITIONS for VARIANCE CASE NO. VA03-012

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
 - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit, within one year from the date of approval by TRPA; or

- b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
- c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.

- 2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
- 3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
- 4. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control. Compliance with this condition shall be determined by the Department of Community Development staff.
- 5. The applicant shall execute a hold-harmless agreement with the District Attorney's office for snow removal purposes. A copy of the agreement shall be submitted to the Department of Community Development prior to the issuance of a building permit.
- 6. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. Compliance with this condition shall be determined by the staff of the Department of Community Development
- 7. Plumbing fixtures within the detached accessory structure are limited to one (1) sink and one (1) toilet. Compliance with this condition shall be determined by the staff of the Department of Community Development.
- 8. The applicant shall record a deed restriction limiting the use of the detached accessory structure to ancillary uses of the primary residence and restricting the establishment of a secondary residential unit. Compliance with this condition shall be determined by the staff of the Department of Community Development.
- 9. Site plan shall show an infiltration trench in accordance with TRPA Best Management Practices. All infiltration trenches shall be on the applicant's

- property. Infiltration trenches shall retain all roof runoff on the applicant's property, assuring the runoff will not drain to the adjacent property. Compliance with this condition shall be determined by the staff of the Department of Community Development.
10. Applicant shall contact Tahoe Regional Planning Agency Erosion Control Team for a site evaluation and list of appropriate Best Management Practices (BMP) requirements. All BMP's shall be installed to current standards. These may include, but are not limited to, infiltration trench below eave line of the proposed and existing structure, trenches across all driveways, and revegetation of site. The applicant shall submit a copy of the TRPA BMP evaluation with the site plan. All the BMP requirements shall be included on the site plan. Compliance with this condition shall be determined by the staff of the Department of Community Development.
 11. The applicant is required to determine location of the water and sewer service lines to the existing structure. Applicant is required to relocate water and sewer service outside the footprint of the existing structure and the proposed garage during the construction phase. Compliance shall be determined by the Incline Village General Improvement District.
 12. The applicant shall negotiate with the United States Forest Service (USFS) to construct a retaining wall along the adjoining property line to the satisfaction of the reviewing agency. The wall shall not exceed twenty-five feet in length and four feet in height. Applicant shall provide written approval from USFS with the building application. In the absence of USFS agreement, the applicant is authorized to have an 18-inch side yard setback. This action in no way constitutes encouragement by the Washoe County Commission that the applicant can trespass on federal property. Compliance with this condition shall be determined by the staff of the Department of Community Development.

03-649 ORDINANCE NO. 1204 - BILL NO. 1380 - AMENDING
ORDINANCE NO. 1000 - DISTRICT NO. 24 - BOUNDARIES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1380. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Ordinance No. 1204, Bill No. 1380, entitled, "**AN ORDINANCE AMENDING ORDINANCE NO. 1000 CREATING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24**

(GROUNDWATER REMEDIATION) IN ORDER TO CHANGE THE BOUNDARIES OF THE DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF," be approved, adopted and published in accordance with NRS 244.100.

03-650 ORDINANCE NO. 1205 - BILL NO. 1381 - DISTRICT NO. 24 - FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1381. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Ordinance No. 1205, Bill No. 1381, entitled, "**AN ORDINANCE CONCERNING THE WASHOE COUNTY, NEVADA, DISTRICT NO. 24 (GROUNDWATER REMEDIATION); PROVIDING FOR THE PAYMENT OF A PORTION OF THE COSTS OF DEVELOPING AND CARRYING OUT A PLAN FOR REMEDIATION; IMPOSING A FEE TO PAY SUCH COSTS ON THE PARCELS OF LAND IN SUCH DISTRICT NO. 24; DESCRIBING THE MANNER FOR THE COLLECTION AND PAYMENT OF THE FEE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THOSE PURPOSES; AND PRESCRIBING OTHER MATTERS RELATING THERETO,"** be approved, adopted and published in accordance with NRS 244.100.

03-651 ORDINANCE NO. 1206 - BILL NO. 1387 - ADOPTING AND RATIFYING INTERLOCAL AGREEMENT - CONSOLIDATION OF ANIMAL CONTROL SERVICES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1387. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Garth Elliott, Sun Valley resident, spoke in support of the ordinance.

There being no one else wishing to speak, the public hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Ordinance No. 1206, Bill No. 1387, entitled, "**AN ORDINANCE ADOPTING AND RATIFYING AN INTERLOCAL AGREEMENT BY AND BETWEEN WASHOE COUNTY, THE CITY OF RENO AND THE CITY OF SPARKS REGARDING THE CONSOLIDATION OF ANIMAL CONTROL SERVICES IN WASHOE COUNTY AS PROVIDED HEREIN; PROVIDING THAT SO LONG AS THIS ORDINANCE REMAINS IN FORCE AND EFFECT THE INTERLOCAL AGREEMENT WILL BE IN FORCE AND EFFECT; AND PROVIDING NOTICE BE GIVEN IN THE EVENT WASHOE COUNTY TAKES ACTION TO INTRODUCE OR OTHERWISE ACT UPON AN ORDINANCE REPEALING THIS ORDINANCE,**" be approved, adopted and published in accordance with NRS 244.100.

It was further ordered that the Interlocal Agreement between the County of Washoe, the City of Reno and the City of Sparks, concerning consolidation of animal control services in Washoe County, be approved and Chairman Humke be authorized to execute the same.

03-652 ORDINANCE NO. 1207 - BILL NO. 1388 - REPEALING CHAPTER 55 - ANIMAL CONTROL SERVICES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1388. Proof was made that due and legal Notice had been given.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Gary Schmidt, Washoe County resident, stated he has reviewed the congested area map for dogs; there are literally hundreds of parcels where there is no control; and he believes more work needs to be done on the number of dogs allowed on any one parcel with the size of the parcel being taken into consideration.

There being no one else wishing to speak, the hearing was closed.

Commissioner Weber and Commissioner Galloway requested a discussion on a future agenda concerning the new Animal Control Board membership.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Humke ordered that Ordinance No. 1207, Bill No. 1388, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REPEALING CHAPTER 55 RELATING TO ANIMALS AND FOWL AND ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY, INCLUDING THE INCORPORATED CITY OF SPARKS; ESTABLISHING CONGESTED AREAS OF WASHOE COUNTY, INCLUDING THE CITY OF SPARKS, FOR THE PURPOSE OF ANIMAL CONTROL;**"

CREATING AN ANIMAL CONTROL BOARD TO HEAR AND DECIDE KENNEL PERMIT APPEALS AND EXOTIC ANIMAL PERMITS; DESCRIBING THE DUTIES OF ANIMAL CONTROL OFFICERS; PROHIBITING THE RUNNING AT LARGE OF CERTAIN ANIMALS IN CONGESTED AREAS; ENACTING PROVISIONS RELATING TO CRUELTY TO ANIMALS AND OTHER PROVISIONS REGARDING THE CONTROL AND PROTECTION OF ANIMALS; REQUIRING THE LICENSING OF DOGS IN CONGESTED AREAS AND ESTABLISHING FEES THEREFORE; SETTING FORTH REQUIREMENTS FOR RABIES CONTROL, INCLUDING VACCINATION AND QUARANTINE REQUIREMENTS; ESTABLISHING KENNEL PERMITTING REQUIREMENTS FOR KEEPING MORE THAN THREE DOGS IN CONGESTED AREAS; SETTING FORTH CONDITIONS FOR THE IMPOUNDMENT OF ANIMALS; PROHIBITING LIVESTOCK TO BE AT LARGE IN CONGESTED AREAS; REQUIRING PERMITS FOR EXOTIC ANIMALS AND PRESCRIBING REQUIRED ENCLOSURES FOR EXOTIC ANIMALS; ESTABLISHING PROCEDURES IN MAKING DANGEROUS DOG DETERMINATIONS AND REQUIRING THEIR REGISTRATION AND SETTING FORTH UNLAWFUL ACTS RELATING THERETO; PRESCRIBING PENALTIES FOR VIOLATIONS OF THE ANIMAL CONTROL PROVISIONS; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO," be approved, adopted and published in accordance with NRS 244.100.

03-653 BILL NO. 1386 - AMENDING CHAPTER 25 - BUSINESS LICENSE FEES

5:30 p.m. This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on May 30, 2003 to consider second reading and adoption of Bill No. 1386. Proof was made that due and legal Notice had been given.

Pursuant to discussion at Caucus, Katy Singlaub, County Manager, noted the agenda says, "...to enable the Department of Community Development to adopt business license fees..." and it should say the Board of County Commissioners rather than the Department of Community Development.

The Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance.

Wanda Wright, area resident, asked the Board to consider the bad economic situation and reconsider raising business license fees at this time.

Carl Welch, Renegade Resources Corp., spoke in opposition to increasing business license fees stating this is actually an income tax based on gross income. He further questioned how much the County collects in business license fees, how much it costs to run the Business License Department, and what services are provided to the businesses paying these fees.

Juanita Cox, area resident, asked if this ordinance could be adopted at this time since it was not properly noticed. She further stated any tax increase is passed on to the people and the people are taxed enough.

Garth Elliott, area resident, spoke in opposition stating the harder it is to raise fees, the better.

Gary Schmidt, area resident, said it is not in the best interest of society to tax productivity; and this is a tax that the people have not voted on. He stated the Board should be encouraging small businesses and raising fees is not the way to do that.

There being no one else wishing to speak, the hearing was closed.

Madelyn Shipman, Assistant District Attorney, stated it is not the agenda, but the actual title of the ordinance, that is incorrect. She opined that the public hearing should be continued and re-noticed with the correct title.

Ms. Singlaub responded to some of the questions stating this proposal would actually reduce the business license fee for 53 percent of the licensed businesses in Washoe County, which indicates an effort by the County to recognize and encourage small business. She further stated the Washoe County business license fees have not been increased since 1991. Adrian Freund, Director, Department of Community Development, advised that the 5,000+ business license holders in the County were personally noticed of the proposed fees.

Commissioner Galloway stated the County fees are far below the other local jurisdictions and he would like to see parity with the other entities, even if it has to be phased in.

On motion by Commissioner Shaw, seconded by Commissioner Weber, which motion duly carried, Chairman Humke ordered that the public hearing concerning the second reading and adoption of Bill No. 1386 be continued to June 24, 2003 and staff be directed to republish the Notice of Public Hearing with the corrected title. It was further ordered that the Resolution adopting a master fee schedule and the submittal to the Nevada Tax Commission to increase business license fees beyond the statutorily allowed amount also be continued to June 24, 2003.

Chairman Humke requested that Mr. Freund meet with Mr. Welch to answer his questions.

* **7:50 p.m.** Commissioner Shaw temporarily left the meeting.

03-654

FISCAL YEAR 2004-2008 CAPITAL IMPROVEMENTS PROGRAM

Katy Singlaub, County Manager, provided a copy of the road overlay plans by Commission District. Commissioner Sferrazza stated page 43 of the report shows that, through 2008, there are approximately \$17-million in general fund monies being spent to support streets in the unincorporated area. He stated he is totally opposed to that and he can no longer support subsidizing street maintenance in the unincorporated area from the general fund. He said the unincorporated residents do not pay their way in terms of property taxes for street maintenance and the County continues to have budget problems.

Commissioner Galloway stated it is irresponsible to say that the unincorporated residents are not paying their way. He said the Commissioner should look at the whole picture and not just one narrow item, such as street maintenance.

Commissioner Sferrazza stated he has not had one penny of Washoe County general fund money spent on streets in his neighborhood. He stated he pays into the general fund of Washoe County, and he pays his property taxes and sales taxes to the City of Reno. Chairman Humke stated the Members are straying from the agenda. Commissioner Sferrazza stated he did not appreciate being called 'irresponsible' by a fellow Commissioner. He emphasized that there is no separate property tax being paid by the unincorporated residents to pay for such items as street maintenance, Sheriff patrol, etc. Commissioner Galloway stated the unincorporated residents subsidize other services to the City residents that more than make up for that.

Upon recommendation of Kim Carlson, Finance Department, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried with Commissioner Sferrazza voting "no" and Commissioner Shaw temporarily absent, Chairman Humke ordered that the FY 2004-2008 Washoe County Capital Improvements Program be adopted.

03-655

AWARD OF BID – 2003/2004 STREET CUT PAVEMENT REPAIR PROJECT FOR THE TRUCKEE MEADOWS AREA - BID NO. PWP-WA-2003-105 - PUBLIC WORKS

Earlier in the meeting, County Manager Singlaub advised the base bid noted on the agenda is for \$102,250 but the correct amount is \$101,250.

This was the time to consider award of bid for the 2003/2004 Street Cut Pavement Repair Project for the Truckee Meadows Area, Washoe County, Nevada, for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on May 7 and 14, 2003. Proof was made that due and legal Notice had been given.

Bids were received from the following vendors:

Granite Construction
Sierra Nevada Construction

Upon recommendation of Greg Belanico, Engineering Division, through Tom Gadd, Public Works Director, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, it was ordered that the bid for the 2003/2004 Street Cut Pavement Repair Project for the Truckee Meadows Area, Washoe County, Nevada (PWP-WA-2003-105) be awarded to the low bidder, Granite Construction, in the amount of \$101,250. It was further ordered that Chairman Humke be authorized to execute the agreement when presented.

03-656 AWARD OF BID – WHEELED EXCAVATOR - BID NO. 2386-03 – PUBLIC WORKS

This was the time to consider award of bid for a Wheeled Excavator for the Public Works Department. The Notice to Bidders for receipt of sealed bids was published in the *Reno Gazette-Journal* on April 10, 2003. Proof was made that due and legal Notice had been given.

One bid was received from Cashman Equipment Company. Empire Equipment Company, dba Nortrax-West, submitted a "no-bid" response.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Weber, seconded by Commissioner Galloway, which motion duly carried with Commissioner Shaw temporarily absent, Chairman Humke ordered that Bid No. 2386-03 for a Wheeled Excavator for the Public Works Department be awarded to Cashman Equipment Company, in the amount of \$128,000.

It was further ordered that the County's ability to procure additional wheeled excavators from the successful bidder through June 30, 2004, provided there is no increase in pricing, be affirmed subject to prior approval of the Board. It was noted that under the terms of the bid Cashman Equipment has offered a guaranteed buy-back option at the end of three years in the amount of \$61,000; and if the County chooses to exercise this option, the resulting net cost to the County will be approximately \$67,400.

* **8:00 p.m.** Commissioner Shaw returned to the meeting.

03-657 RESOLUTION – INTERFUND LOAN – ANIMAL SERVICES FUND – FINANCE

Upon recommendation of Ron Steele, Fiscal Analyst II, on motion by Commissioner Sferrazza, seconded by Commissioner Weber, which motion duly carried,

it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the Resolution on behalf of Washoe County:

RESOLUTION
A RESOLUTION AUTHORIZING AN INTERFUND LOAN
GENERAL FUND (001) TO THE ANIMAL SERVICES FUND (005)

WHEREAS, the General Fund of the County (Fund 001) has sufficient cash resources to finance a short-term interfund loan in an amount not to exceed \$188,500 without adversely affecting its cash needs; and

WHEREAS, the Animal Services Fund (Fund 005) is in need of a short-term loan to cover two months operating cash needs until receipt of the FY 2004 property tax.

WHEREAS, the short-term loan will not in any way have an adverse or deleterious effect upon the General Fund (001) or the Animal Services Fund (005); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE IN THE STATE OF NEVADA:

Section 1. The County Comptroller is hereby directed to transfer in amounts as needed, up to \$188,500 from the General Fund (001) to the Special Revenue Animal Services Fund (005) until the FY 2004 property taxes are received and make appropriate accounting entries.

Section 2. The cash interfund transaction for this loan is as follows:

	<u>Amount</u>	
<u>General Fund (001)</u>	<u>Debit</u>	<u>Credit</u>
Due from Animal Services	\$188,500	
Cash		\$188,500
<u>Animal Services Fund (005)</u>		
Cash	\$188,500	
Due to General Fund		\$188,500

Section 3. The term of the interfund loan shall be twelve calendar months, commencing on the day of the first transfer, to be repaid on or before twelve calendar months.

Section 4. Interest will be charged at the rate of 1.25% per year on the outstanding balance of the loan.

Section 5. The Resolution shall be effective upon passage and approval.

Section 6. The County Clerk is hereby directed to distribute copies of the Resolution to the Department of Taxation, the Comptroller, the Budget Division and Animal Services within 30 days.

**03-658 RESOLUTION – GROUNDWATER RIGHTS – SIERRA SAGE
GOLF COURSE – PARKS**

Commissioner Weber stated she is concerned about selling these water rights by the acre-foot rather than selling the whole 196.03 acre-feet as a block. She stated that is a piece-meal process, which would not help them reach the goal of completing the North Valleys Regional Sports Complex (NVRSC).

Commissioner Sferrazza stated the NVRSC is listed in the Capital Improvements Program the Board just approved, but it does not say any of it would be funded with these water rights monies.

In response to Commissioner Sferrazza, Vahid Behmaram, Water Rights Technician, distributed a map of the West Lemmon Valley and East Lemmon Valley hydrographic basins and stated the well for these water rights has to remain in the West Lemmon Valley basin, but the water can be piped from the TMWA (Truckee Meadows Water Authority) wells to the east.

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Galloway, seconded by Commissioner Weber, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Humke be authorized to execute the Resolution on behalf of Washoe County:

RESOLUTION:

WHEREAS, Washoe County is the owner of 196.03 acre feet of water rights located at the Sierra Sage Golf Course, 6355 Silver Lake Road, Stead, Nevada; under supplemental permits 66958 and 66959, and

WHEREAS, pursuant to NRS 244.281 and NRS 244.282, the County has the power to sell the subject water rights at public auction; and

WHEREAS, the water rights to be sold have been appraised at ten thousand dollars (\$10,000) per acre foot, and

WHEREAS, sale of the water rights will be in the best interest of the County,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY:

1. Washoe County declares its intent to place the 196.03-acre feet of water rights located at the Sierra Sage Golf Course, 6355 Silver Lake Road, Stead, Nevada; under supplemental permits 66958 and 66959, for sale pursuant to the auction process found in NRS 244.282.

2. Pursuant to NRS 244.282(1)(b), the Board declares the following to be minimum terms for any offer for the purchase of one-acre foot of water rights:

a. The minimum price per acre-foot is ten thousand dollars (\$10,000), the appraisal value set forth above and the Board declares that it will not sell the property for less than the minimum price.

b. The purchaser agrees to execute an agreement for the purchase of the water rights substantially in the form of the Purchase Agreement attached hereto as Exhibit A.

c. The purchaser acknowledges the water rights are under supplemental permits 66958 and 66959 attached hereto as Exhibit B.

d. The purchaser acknowledges that Washoe County will be selling the water rights at a minimum amount of one acre foot not to exceed 196.03 acre feet for the highest price per acre foot to be paid in cash. (Cashiers check)

e. The purchaser must submit a written bid indicating the bid price per acre-foot, indicating the total number of acre-feet to the nearest one hundredth (example: 2.12 acre feet) and indicating the total purchase price.

f. Bids must be submitted to the Washoe County Water Resource Department, 4930 Energy Way, Reno, Nevada, Attention: Vahid Behmaram, no later than 9:00 a.m. on July 15, 2003.

3. A meeting of the Board will take place at the regular place of meeting in the Chambers of the Washoe County Administration Complex, Building A, 1001 East Ninth Street, Reno, Nevada at 2:00 p.m. on July 15, 2003 at which sealed bids will be received and considered.

4. At the meeting, all sealed bids will be opened, examined and declared by the Board.

5. Of the proposals submitted which conform to all terms and conditions specified in this resolution and which are made by responsible bidders, the bid which is

the highest will be finally accepted, unless a higher oral bid is accepted or the Board rejects all bids.

6. Before accepting any written bid, the Board shall call for oral bids. If upon the call for oral bidding, any responsible person offers to buy the property upon the terms and conditions set in this resolution, for a price exceeding by at least five percent (5%) the highest written bid, then the highest oral bid which is made by a responsible person will be finally accepted.

7. The final acceptance by the Board may be at the meeting or any adjourned session of the same meeting held within the ten (10) days next following the meeting.

8. The Board may, either at the meeting or at any adjourned session of the same meeting held within the 10 days next following, if it deems the action to be for the best public interest, reject any and all bids, either written or oral, and withdraw the property from sale.

9. The Board authorizes and directs the chairman to execute a deed and deliver it upon performance and compliance by the purchaser with all terms and conditions of the purchase agreement, which are to be performed concurrently therewith.

03-659 AGREEMENT – TRAFFIC SIGNAL MAINTENANCE – PUBLIC WORKS

Upon recommendation of Rodney Savini, Deputy Public Works Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Traffic Signal Maintenance Agreement between the County of Washoe and the City of Sparks, concerning provision of the regular signal maintenance service for Washoe County's signals (\$116,300 annual cost, plus material and overtime costs), be approved and Chairman Humke be authorized to execute the same.

03-660 AGREEMENT – REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY – SOCIAL SERVICES

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the agreement between the County of Washoe and the Regional Emergency Medical Services Authority (REMSA), concerning ground ambulance and air transportation to the medically indigent population in Washoe County, be approved and Chairman Humke be authorized to execute the same. It was noted that \$388,461 has been budgeted for fiscal year 2003/04 for these purposes.

03-661

**CONTRACT FOR REIMBURSEMENT – SOMERSETT
DEVELOPMENT COMPANY, LTD., LLC – WATER RESOURCES**

Upon recommendation of Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Contract for Reimbursement for Sewer between the County of Washoe and Somerset Development Company, Ltd., LLC, in the amount of \$140,325, be approved and Chairman Humke be authorized to execute the same.

03-662

**INTERLOCAL CONTRACT – INTEGRATION OF LOCAL CHILD
WELFARE SYSTEMS – SOCIAL SERVICES**

Commissioner Weber expressed concern regarding the contract for integration of the local child welfare systems. Chairman Humke stated there should not be a problem as long as the Legislature does not reopen the appropriate budgets. Commissioner Weber stated she could not support this recommendation. Katy Singlaub, County Manager, noted there is a funding out clause for Washoe County if the State does not provide funding.

Pursuant to questions at Caucus, Mike Capello, Social Services Director, distributed a one-page summary of the FY04 and FY05 budgets for the County and for the State showing the differences. He noted that for FY04 the difference is a shortfall of just over \$1.3-million. The footnotes, which he reviewed, explained how they propose to make up the difference based on what they have been experiencing in costs and reimbursements. Mr. Capello distributed another document which was a letter from Governor Guinn to Senator Raggio reaffirming the Governor's support of the Future Funding Plan for integration of the State and County child welfare systems.

Chairman Humke expressed his opinion that this integration solved many problems. Commissioner Weber stated she could not support this considering what is occurring at the State Legislature. She said every resident also pays taxes at the State level; and, when you break this \$29-million out, every person in Washoe County is paying approximately \$700 for this program.

Upon recommendation of Mr. Capello, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried with Commissioner Weber voting “no,” it was ordered that the Interlocal Contract between the County of Washoe and the State of Nevada, Department of Human Resources, Division of Child and Family Services, concerning maintaining funding for the integrated child welfare service system in Washoe County from July 1, 2003 through December 31, 2005, be approved and Chairman Humke be authorized to execute the same. It was noted that the amount of expenditures by Washoe County over the contract period is anticipated to be \$29,618,841. The State has budgeted State general fund monies for this purpose and anticipates that approximately 33 percent of these funds will be available to the County from federal reimbursements.

The Board also commended Mr. Capello for the job he does and for his devotion to the children. Chairman Humke asked how much of the \$29-million is federal money. Mr. Capello replied that 33 percent is federal funds. Commissioner Galloway stated when he divides \$29-million by 400,000 people, he gets \$70 per person. Commissioner Sferrazza pointed out that is for two years because the State budgets on a biennium basis.

03-663 INTERLOCAL AGREEMENT – CITY OF SPARKS - REGIONAL PARKS & SPECIAL USE FACILITIES – PARKS

Upon recommendation of Karen Mullen, Parks and Recreation Director, on motion by Commissioner Shaw, seconded by Commissioner Sferrazza, which motion duly carried, it was ordered that the Interlocal Agreement for Regional Parks and Special Use Facilities between the County of Washoe and the City of Sparks, concerning the County's completion of Master Plans on all Regional Park and Special Use Facilities and procedures/projects for the same, be approved and Chairman Humke be authorized to execute the Agreement.

03-664 LAZY 5 REGIONAL PARK PROPERTY – ANNEXATION - ZONE CHANGE - PARKS

In response to Commissioner Galloway, Karen Mullen, Parks and Recreation Director, confirmed that annexing the Lazy 5 Park property into the City of Sparks is the only way to get sewer service so the park can be expanded. Commissioner Galloway asked if the City would be able to tack any user fees on to the Park. Ms. Mullen stated they would not because the Park would still be owned by and controlled by the County.

Upon recommendation of Ms. Mullen, on motion by Commissioner Sferrazza, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the application requesting annexation of the Lazy 5 Regional Park property into the City of Sparks and requesting a zone change for the subject property to Public Facility (PF) be approved and Chairman Humke be authorized to execute the same.

03-665 RULES AND PROCEDURES FOR THE WASHOE COUNTY BOARD OF COMMISSIONERS

Commissioner Weber stated the new proposed Rule No. 6, concerning appointments and terms for County appointees on various boards, is not what she had requested. She stated she wants Citizen Advisory Board (CAB) members to be able to serve a third term if they so desire. Commissioner Weber said this would only apply to CAB's.

On motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried, Chairman Humke ordered that Rule No. 6 of the

Board's Rules and Procedures be amended to read: "The limit of service for an individual appointed to a board, other than a citizen advisory board, is two consecutive terms. The limit of service for an individual appointed to a citizen advisory board is three consecutive terms. An individual filling an unexpired term with 3/4 or more of that term remaining shall be considered as having served for a full term. A third term may be considered for an individual's appointment if there are no other qualified applicants. Consideration should be given to assuring broad Countywide representation on boards. Appointments are not limited to individuals from the unincorporated area unless otherwise specified or intended by law."

**03-666 BILL NO. 1389 - AMENDING WCC CHAPTER 5 – CITIZEN
ADVISORY BOARDS MEMBERSHIP**

Bill No. 1389, entitled, "**AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO ELIMINATE THE TWO TERM LIMIT ON APPOINTMENT OF MEMBERS TO CITIZENS ADVISORY BOARDS; AND OTHER MATTERS RELATING THERETO,**" was introduced by Commissioner Weber, the title was read to the Board and legal notice for final action of adoption directed.

**03-667 BILL NO. 1390 – SCHEDULE OF RATES AND CHARGES –
SANITARY SEWER SERVICE**

Bill No. 1390, entitled, "**AN ORDINANCE REVISING A SCHEDULE OF RATES AND CHARGES AND A PRETREATMENT PROGRAM FOR PROVISION OF SANITARY SEWER SERVICE BY WASHOE COUNTY WITHIN CERTAIN AREAS OF WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES TO SUBMIT BILLINGS TO ALL SANITARY SEWER USERS WITHIN THE CERTAIN AREAS; REQUIRING PAYMENT THEREOF; AND PROVIDING PROCEDURES FOR ITS ENFORCEMENT. THIS ORDINANCE REPEALS ORDINANCE NOS. 802, 830, 901, 931, 954, 973, AND 1037,**" was introduced by Commissioner Sferrazza, the title read to the Board and legal notice for final action of adoption directed.

03-668 2002 REGIONAL PLAN SETTLEMENTS AND AGREEMENTS

Adrian Freund, Director, Department of Community Development, advised there is a dispute resolution hearing before the Regional Planning Commission Wednesday, June 11, 2003 on the consolidated case of the Cities' adopted criterion standards for cooperative planning, including the appeal of the County against the Cities. He further stated they have received an additional appeal from the City of Reno and the City of Sparks regarding the Board's direction to staff on processing cooperative planning applications, and two additional appeals from the City of Reno claiming the County processed two comprehensive plan amendments when it did not have jurisdiction under the protocol agreement to process those. Mr. Freund stated one of those was concerning the open space amendment, which he has been able to have withdrawn.

LEGISLATIVE UPDATE

Katy Singlaub, County Manager, distributed a written status report concerning the County's bills at the 2003 Legislature.

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PUBLIC COMMENTS

Mary Kingland submitted a request to speak card. Chairman Humke stated it was up to the Board whether they wished to reopen public comments. Commissioner Sferrazza moved to reopen the public comment period. The motion died due to lack of a second.

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There being no further business to come before the Board, the meeting adjourned at 8:40 p.m.

DAVID E. HUMKE, Chairman
Washoe County Commission

ATTEST:

AMY HARVEY, County Clerk
and Clerk of the Board of
County Commissioners

*Minutes Prepared by
Barbara Trow and Sharon Gotchy
Deputy County Clerk*